

# The Nation and the National Defense Authorization Act

Tom Carter, Barry Grey  
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A comment by Robert Scheer published December 15 on the *Nation* magazine's web site dealing with the National Defense Authorization Act (NDAA) demonstrates that the left-liberal layers for whom the magazine speaks are neither willing nor able to carry out a principled defense of democratic rights.

The NDAA was passed by both houses of the US legislature earlier this month and now awaits only President Obama's signature before it becomes the law of the land. The NDAA has immense historic significance. It effectively abolishes the Bill of Rights and 220 years of precedent, expressly giving the US military the power to abduct and imprison any person anywhere in the world—US citizen or otherwise—on suspicion of a terror-related crime, without charge, jury, evidence, or trial.

Obama initially threatened to veto the NDAA on the grounds that an earlier draft of the bill would “micromanage” and “disrupt” the president's exercise of his wartime powers. The administration subsequently dropped its opposition when provisions that could be read to restrict the president's authority were taken out.

Scheer begins his article, entitled “There Goes the Republic,” by expressing shock that Obama, whom the *Nation* supported enthusiastically in the 2008 election and whom it continues to support, would sign such a law. “We had every right to expect President Obama to stick to his word and veto this bill,” Scheer declares, denouncing the Obama administration's promise to sign the bill as a “craven collapse.”

In fact, the administration's announcement that it will sign the NDAA is entirely consistent with everything else it has done in the field of democratic rights. Moreover, Scheer's presentation of the Obama administration's position on the NDAA itself is

misleading. Obama did not threaten to veto the bill on the grounds that it would violate centuries of democratic precedent. On the contrary, one of his objections to an early draft was that it excluded US citizens from indefinite military detention.

Scheer writes that the “point” is what the implications of the NDAA would be if “a Dick Cheney or Newt Gingrich should attain the highest office.” This suggests that there is a significant difference between the attitude of Obama and the Democrats to constitutional protections and basic democratic principles such as habeas corpus and that of the Republicans. The record plainly speaks otherwise.

The Obama administration, with broad support among congressional Democrats, has continued and strengthened the police state framework erected under Bush. Obama has refused to prosecute Bush officials who sanctioned torture, reneged on his campaign pledge to close Guantanamo, expanded the use of “state secrets” to suppress legal suits by victims of torture and domestic spying, continued the practice of “extraordinary rendition,” and officially sanctioned and carried out the assassination of US citizens, beginning with the murder of Anwar al-Awlaki earlier this year. His administration has tacitly backed the brutal crackdown on Occupy Wall Street protesters, carried out largely by Democratic mayors.

Scheer's attempt to present the threat to democratic rights represented by the NDAA as a question of the actions of a future *Republican* administration makes clear that, for him, a frontal assault on the Bill of Rights is not a splitting matter when it comes to backing Obama and the Democrats. His anger is empty and impotent. Along with the *Nation* editorial board, he will support Obama's reelection bid and promote Democratic candidates as the “lesser evil.”

Scheer goes on to criticize the NDAA from a right-wing standpoint. On the anti-democratic implications of the act he has little concrete to say, noting only in passing that it is “a disaster in the making for civil liberty.” He devotes most of his piece to arguing that the act will constitute “a blow to effective anti-terrorist police work.”

“Recall,” Scheer writes, “that it was the FBI that was the most effective in interrogating al-Qaida suspects before the military let loose the torturers.” He quotes approvingly from a *New York Times* editorial that argued the bill “would take the most experienced and successful anti-terrorism agencies—the FBI and federal prosecutors—out of the business of interrogating, charging and trying most terrorism cases, and turn the job over to the military.”

Scheer declares, “Not only has FBI Director Robert Mueller III opposed this shift in the law, but so has Defense Secretary Leon Panetta, who previously ran the CIA.” Here Scheer cites as authorities two individuals who are themselves implicated up to their necks in torture, domestic spying and all of the police state structures established in the name of the “war on terror,” as well as in international war crimes.

As with most of the left-liberal milieu, Scheer wants somehow to square the defense of civil liberties with support for Washington’s “war on terror.” But support for this phony “war” signifies support for American imperialism’s global aims and interests, and all of the blood, plunder and criminality which that entails.

Scheer’s article is a reminder that it is impossible to defend democratic rights without a principled opposition to imperialism. Militarism and imperialist war abroad are always inseparably linked to attacks on democratic rights and the drive toward authoritarian methods of rule at home. As Lenin famously wrote, imperialism is “reaction all down the line.”

Washington’s ever more violent turn to aggressive war and its escalating assault on democratic rights are, moreover, linked to the staggering growth of social inequality. War, inequality and repression have grown in proportion to the decline in the world position of American capitalism over recent decades, and have been made all the more virulent by the eruption of global capitalist crisis and the turn by the ruling class to a policy of brutal austerity against the working class.

The affluent upper-middle class layers represented by

the *Nation* are indifferent to the plight of working people and hostile to an independent movement of the working class. They are discomfited by the overt turn to police-state methods, but defend the system that has served them well financially even as it has fueled the growth of militarism and dictatorship.

In the end, Scheer is reduced to opposing the most egregious attacks on democratic rights by implicitly supporting those that have preceded them. He offers advice to the ruling class, arguing from the standpoint of what is best and most expedient for US imperialism.

The *World Socialist Web Site* wrote at the time that the theft of the 2000 election was a watershed event, signifying the absence of a significant constituency for the defense of democratic rights within the American ruling class. The reaction of the *Nation* to the NDAA demonstrates that the same can be said of the left-liberal milieu.



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